

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE:	*	CASE NO.: 08-02016-SEK
	*	
CARLOS ALBERTO GONZALEZ RIVERA	*	
	*	
DEBTOR (S)	*	CHAPTER 12
*****	*	

**\* MOTION TO AMEND PLAN  
(POST CONFIRMATION MODIFICATION) \***

**TO THE HONORABLE COURT:**

Comes now debtor represented by the undersigned attorney and set forth follows:

1. On September 15, 2008 this Honorable Court entered an order confirming debtor's plan dated July 1, 2008.
2. Debtor's production of coffee and oranges did not result as he estimated, and his incomes were much less than he expected. Debtor can not comply with the confirmed plan; and his most recent analysis shows that he needs to amend the confirmed plan; therefore on April 3, 2009 debtor filed an amended plan dated April 2, 2009 which had not been recommended favorable by Chapter 12 Trustee until debtor clarify his intention related claims #11 and #12 filed by USDA. Also it was requested from debtor to provide the source of proposed periodic payments of \$5,000.00 each November.
3. Attach is an amended plan dated January 13, 2010 addressing those issues.

**WHEREFORE,** debtor pray this Honorable Court allow the amended plan and confirm it.

**\* NOTICE TO ALL CREDITORS AND PARTIES IN INTEREST \***

Notice is hereby given that debtor filed with the Clerk of the Court the attached amended Chapter 13 Plan. A hearing on confirmation will be held on January 21, 2010 at 8:30 a.m.

**CERTIFY:** I hereby certify that copy of this motion to José R Carrión, Trustee; and to all creditors listed in the master address list.

In Coamo, Puerto Rico, this 14 day of January 2010.

S/JORGE RAFAEL COLLAZO SANCHEZ  
ATTORNEY FOR DEBTOR  
USDC-PR: 127203  
PO BOX 1494  
COAMO, PR 00769  
TEL.: (787) 825-7161  
FAX : (787) 825-7122

IN RE: CARLOS ALBERTO GONZALEZ RIVERA

BK. CASE No. 08-02016-SEK

DEBTOR(S)

CHAPTER 12

### CHAPTER 12 PAYMENT PLAN

**NOTICE:** • The following plan contains provisions which may significantly affect your rights. You should read this document carefully and discuss it with your attorney. When confirmed, the plan will bind the debtor and each creditor to its terms. Objections must be filed in writing with the Court and served upon the debtor(s), debtors' counsel, the Trustee and any other entity designated by the Court, at the 341 meeting of creditors or not less than twenty (20) days prior to the scheduled confirmation hearing. For post confirmation Plan Modifications, objections must be filed and notified in the same manner within twenty (20) days from its notification. • **This plan does not allow claims. Any party entitled to receive disbursements from the Trustee must file a proof of claim. The Trustee will pay the allowed claims, as filed, provided for in the plan, unless disallowed or expressly modified by the Court and / or the terms of the plan. If no claim is filed, the Trustee will not pay a creditor provided for in the plan, unless ordered by the Court. If the Trustee is to make POST-PETITION REGULAR PAYMENTS to any Secured obligation, then a proof of claim must be filed including the following information: account number, address, due date and regular payments amount. Secured creditor must notify any change in the payment, at least three (3) months prior to the effective date of new payment. Those post-petition payments will not exceed the life of the plan. • See the notice of commencement of case for 341 meeting date and claims bar date, the latter is the date by which a proof of claim must be filed in order to participate of the plan distribution.**

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.
- ☒ 3. The Confirmation Order will not vest property of the Estate on Debtor(s) until the Order discharging Debtor(s) is entered.

#### PLAN DATED:

☐ PRE ☒ POST-CONFIRMATION

☒ AMENDED PLAN DATED: January 13, 2010

FILED BY ☒ DEBTOR ☐ TRUSTEE ☐ OTHER

#### I. PAYMENT PLAN SCHEDULE

\$ 200	x	12	= \$	2,400
\$ 300	x	12	= \$	3,600
\$ 400	x	12	= \$	4,800
\$ 500	x	12	= \$	6,000
\$ 550	x	12	= \$	6,600
TOTAL =				60 \$ 23,400

Additional Payments:

\$ 267,117 to be paid as a LUMP SUM  
within 36 MONTHS with proceeds to come from

☒ Sale of property identified as follows:

COFFEE AND ORANGES FARM AT BO RONCADOR  
UTUADO PUERTO RICO

☐ Other:

Periodic Payments to be made other than and in addition to the above.

\$ 5,000 x 3 = \$ 15,000

To be made on: 11/31/2010, 11/31/2011, 11/31/2012

FROM SALE OF ORANGES & COFFEE

**PROPOSED BASE:** \$ 305,517

#### II. ATTORNEY'S FEES

To be treated as a \$ 507 Priority, and paid before any other creditor and concurrently with the Trustee's fees, unless otherwise provided:

- a. Rule 2016(b) Statement: \$ 3,000
- b. Fees Paid (Pre-Petition): (\$ 1,000)
- c. R 2016 Outstanding balance: \$ 2,000
- d. Additional Fees: \$ 250
- e. Adjusted Fee Balance: \$ 2,250

#### III. DISBURSEMENT SCHEDULE SEQUENCE

**A. SECURED CLAIMS:** ☐ Debtor represents that there are no secured claims.

☒ Secured creditors will retain their liens and shall be paid as follows:

☐ **ADEQUATE PROTECTION** Payments: Cr. \_\_\_\_\_ \$ \_\_\_\_\_

☐ Trustee will pay secured **ARREARS:**

Cr. _____	Cr. _____	Cr. _____
Acct. _____	Acct. _____	Acct. _____
\$ 0	\$ _____	\$ _____

☐ Trustee will pay **REGULAR PAYMENTS:**

(please refer to the above related notice, for important information about this provision)

Cr. _____	Cr. _____	Cr. _____
Acct. _____	Acct. _____	Acct. _____
PMT \$ _____	PMT \$ _____	PMT \$ _____

☒ Trustee will pay **IN FULL** Secured Claims:

Cr. USDA #11	Cr. USDA #12	Cr. CRIM #15
\$ 2,975	\$ 110,109	\$ 743

☐ Trustee will pay **VALUE OF COLLATERAL:**

Cr. _____	Cr. _____	Cr. _____
\$ _____	\$ _____	\$ _____

☐ Secured Creditor's interest will be insured. **INSURANCE POLICY** will be paid through plan:

Cr. \_\_\_\_\_ Ins. Co. \_\_\_\_\_ Premium: \$ \_\_\_\_\_  
(Please indicate in "Other Provisions" the insurance coverage period)

☒ Debtor **SURRENDERS COLLATERAL** TO Lien Holder: SHARES TO COOP LARES

☒ Debtor will maintain **REGULAR PAYMENTS DIRECTLY** to:

A.S.U.M.E.

**B. PRIORITIES.** The Trustee will pay \$507 priorities in accordance with the law [§1222 (a)(2)].

☒ A.S.U.M.E. #4 \$6,725 IRS #10 \$686 **PRDL #16 \$658**

**C. UNSECURED PREFERRED:** Plan ☐ Classifies ☒ Does not Classify Claims

<input type="checkbox"/> Class A:	<input type="checkbox"/> Co-debtor Claims:	<input type="checkbox"/> Pay 100% / <input type="checkbox"/> "Pay Ahead"
<input type="checkbox"/> Class B:	<input type="checkbox"/> Other Class:	<input type="checkbox"/> Pay 100% / <input type="checkbox"/> "Pay Ahead"
<input type="checkbox"/> Cr. _____	<input type="checkbox"/> Cr. _____	<input type="checkbox"/> Cr. _____
\$ _____	\$ _____	\$ _____

**D. GENERAL UNSECURED NOT PREFERRED:** (Case Liquidation Value = \$ 78,147)

☐ Will be paid 100% plus \_\_\_\_\_ % Interest. ☒ Will be paid Pro-Rata from any remaining funds

#### OTHER PROVISIONS:

ANY POST PETITION INCOME TAX REFUND THAT THE DEBTOR WOULD BE ENTITLED TO RECEIVE DURING THE TERM OF THE PLAN WILL BE USED TO FUND THIS PLAN. AFTER ITS CONFIRMATION, AND WITHOUT FURTHER NOTICE, HEARING OR COURT ORDER, THE PLAN SHALL BE DEEMED MODIFIED BY THE INCREMENT TO ITS BASE, IN AN AMOUNT EQUAL TO THE AMOUNT OF EACH INCOME TAX REFUND.

Signed: S/CARLOS ALBERTO GONZALEZ RIVERA  
DEBTOR CARLOS ALBERTO GONZALEZ RIVERA

JOINT DEBTOR

ATTORNEY FOR DEBTOR: JORGE RAFAEL COLLAZO SANCHEZ, ESQ.

Phone: (787) 825-7161

Date filed: 04/02/2008 Date of last filing: 10/28/2009 Plan confirmed: 09/15/2008

## Creditors

### A.S.U.M.E

PO BOX 714141  
SAN JUAN, PR 00936

(2545996)  
(cr)

### ANGEL ACOSTA

BOX 528  
ANGELES, PR 00611

(2545997)  
(cr)

### ASUME-VANESSA BERMUDEZ CORDERO PO BOX 71316 SAN J

(2559019)  
(cr)

### BANCO SANTANDER DE PR

PO BOX 191080  
SAN JUAN, PR 00919-1080

(2545998)  
(cr)

### CITIBANK

PO BOX 71458  
SAN JUAN, PR 00936

(2545999)  
(cr)

### CLARO

PO BOX 70366  
SAN JUAN, PR 00936-8366

(2546000)  
(cr)

### COOP AC LARES

PO BOX 362  
LARES, PR 00669

(2546001)  
(cr)

### CRIM

PO BOX 195387  
SAN JUAN PR 00919-5387

(2609926)  
(cr)

### DEPARTAMENTO DE AGRICULTURA DE PR

UTUADO, PR 00641

(2546002)  
(cr)

### FIRST BANK

BANKRUPTCY DIVISION  
P O BOX 9146  
SAN JUAN, PR 00908-0146

(2558462)  
(cr)

### FIRST BANK

PO BOX 9146  
SANTURCE, PR 00908

(2546003)  
(cr)

### FIRST BANK OF PUERTO RICO

**ISLAND FINANCE**

PO BOX 7602 (2546004)  
PONCE, PR 00732 (cr)

**Internal Revenue Service**

Mercantil Plaza Bldg (2563335)  
2 Ponce de Leon Ave. Suite 1014 (cr)  
San Juan, PR 00918-1693

**LCDA CARMEN BENITEZ**

PO BOX 1426 (2546005)  
LARES, PR 00669 (cr)

**MANUEL J NEGRON VIVES**

CALLE DR CUETO NUMERO 26 ALTOS (2546006)  
APARTADO 780 (cr)  
UTUADO, PR 00641

**PR ACQUISITIONS LLC**

270 MUNOZ RIVERA AVENUE SUITE 400 (2773889)  
SAN JUAN PR 00918 (cr)  
866-600-4753

**Puerto Rico Department of Labor**

Collection Unit - 12 Floor (2627677)  
505 Muñoz Rivera Ave. (cr)  
San Juan, PR 00918

**Recovery Management Systems Corporation**

For GE Money Bank (2550404)  
dba SAM'S CLUB (cr)  
25 SE 2nd Ave Ste 1120  
Miami FL 33131

**SAMS CLUB**

PO BOX 530942 (2546007)  
ATLANTA, GA 30353-0942 (cr)

**SANTANDER FINANCIAL SERVICES D/B/A  
ISLAND FINANCE**

C/O BIGAS & RIVERA-BUJOSA LAW OFFICES (2567826)  
PO BOX 7011 (cr)  
PONCE PR 00732

**USDA FARM SERVICE AGENCY**

47 FL RIBAS AVENUE (2546008)  
UTUADO, PR 00641 (cr)

## PACER Service Center

### Transaction Receipt

01/14/2010 11:18:23

<b>PACER Login:</b>	jr0380	<b>Client Code:</b>	
<b>Description:</b>	Creditor List	<b>Search Criteria:</b>	08-02016-SEK12 Creditor Type: All
<b>Billable Pages:</b>	1	<b>Cost:</b>	0.08